

OGC Has Reviewed

C R O S S R E F E R E N C E

10 April 1951

MEMORANDUM FOR: Deputy Director (Administration)

FROM: Assistant General Counsel

SUBJECT: Legal problems in connection with
dissemination of [REDACTED] daily report

STATINTL

"Suit cannot be brought against the Government for defamation. Suit can be brought against the individual employees responsible ranging from the Director through the Assistant Director/00 to those who type and edit the copy.

"A privileged publication of a defamatory statement is one made bona fide by a person who has an interest in the subject matter to one who also has an interest in it. In order to create liability for defamation, there must be an unprivileged publication of false and defamatory matter about another which is actionable in and of itself. The privilege may be lost when the manner in which it is exercised goes beyond what the occasion demands.

"The cases provide that all relevant statements contained in a publication made by a Government executive with reference to matters committed by law to his control or supervision and directed to the particular persons specially interested in such matters are within the protection of absolute privilege.

STATINTL

"It is our opinion that the [REDACTED] publications are absolutely privileged as long as the dissemination is limited to persons specially interested in the publication....."

/s/

ILLEGIB

W. L. Pforzheimer

above memo filed in:

Approved For Release 20